

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)
) No. 2:18-CR-186
 v.) JUDGE GREER
)
TERRY K. DISHNER)

MOTION TO CONTINUE SENTENCING HEARING.

Comes now, the United States of America, by and through J. Douglas Overbey, United States Attorney for the Eastern District of Tennessee, and moves the Court to continue the sentencing hearing currently scheduled for July 8, 2019, at 1:30 p.m. and as grounds would show as follows:

1. The defendant was indicted by the federal grand jury on December 11, 2018 in a one count indictment charging the defendant with possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1).
2. On March 15, 2019, a signed plea agreement was filed with the court.
3. On April 3, 2019, the defendant pled guilty to the one count indictment for possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1).
4. Sentencing was set before this Court for July 8, 2019.
5. On June 26, 2019, the United States Supreme Court decided the case of *Rehaif v. United States*, Docket No. 17-9560. In *Rehaif*, the Supreme Court held that in a prosecution under 18 U.S.C. § 922(g), the government must prove both that the defendant knew he possessed a firearm and that he knew he belonged to the relevant category of persons barred from possessing a firearm.
6. The indictment that the defendant pled guilty to only extended the *mens rea* of knowledge to the possession element and did not require the defendant's knowledge that

he was a convicted felon.

7. In light of *Rehaif*, remedial action will need to be taken, potentially including a withdrawal of the defendant's plea and filing additional pleadings. As such, additional time is needed before sentencing can occur in this case.
8. Defense counsel Jim Williams has been contacted and has no objection to a continuance for these reasons.

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